FOR ARGUMENT

IN THE

Supreme Court of the United States

OCTOBER TERM, 1978

No. 78-425

P. C. PFEIFFER CO., INC. and
TEXAS EMPLOYERS' INSURANCE ASSOCIATION,
Petitioners,

v.

DIVERSON FORD and DIRECTOR, OFFICE OF
WORKERS' COMPENSATION PROGRAMS,
Respondents.

AYERS STEAMSHIP COMPANY and
TEXAS EMPLOYERS' INSURANCE ASSOCIATION,
Petitioners,

v.

WILL BRYANT and DIRECTOR, OFFICE OF
WORKERS' COMPENSATION PROGRAMS,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIFTH CIRCUIT

BRIEF AMICUS CURIAE OF INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO

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Introduction

In 1972 Congress amended the Longshoremen and Harborworkers' Compensation Act, 33 USC Section 901 et seq, to provide broad, uniform and substantial coverage. In the

instant case, as in related litigation and through other means, longshore employers and their insurance carriers are seeking to limit the scope of this compensation coverage.

As certified collective bargaining representative of longshoremen and employees engaged in longshore operations in the Ports on the Atlantic and Gulf Coasts of the United States,* the International Longshoremen's Association, AFL-CIO (hereinafter "ILA") appears herein as *amicus curiae* to demonstrate to the Court that the language and intent of the 1972 revisions fully warrant the Court's affirmance of the general approach to the Benefits Review Board. This approach gives effect to the Congressional purpose of providing broad coverage for all persons engaged in the immediate port area in the handling of maritime cargo, whether containerized or in break-bulk. The situs of the events herein falls within the ILA's jurisdiction and one of the respondent employees is a member of the ILA.

The facts in the two consolidated cases under review are not in dispute. *Amicus* ILA will rely on the statements set forth by the parties. Each case involves an employee engaged in tasks at the outer perimeter of the deepsea terminal, whose duties at the time of injury did not require him to board a vessel and who was injured while handling cargo whose passage to or from the vessel was not direct. In each case there is no question but that the employer involved was an "employer" within the definition of Section 902(4) of the Act and that the accident occurred within the situs, as newly defined by Section 903(a).

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* See, e.g., *Matter of New York Shipping Association,* 116 NLRB 1183 (1966).

POINT I

The express language of the statute, reinforced by other relevant considerations, provides coverage for all persons engaged in handling maritime cargo between the vessel and delivery to or from an inland carrier.

The sole issue in this case is the scope of the employee's status as presently defined by Section 902(3) of the Act. Resolution of that question must, in the first instance, be derived from the words of the statute itself.

The terms Congress used (*viz.,* "longshoremen" and "longshoring operations") are not mysterious phrases requiring laborious definition. History, the realities of the work-a-day world, and common usage all combine to make the words readily understandable. No ambiguity exists which requires resort to other means of interpretation. However, such other means, if employed, would serve only to reinforce the plain meaning of the statute.

Historically, longshoremen have never been limited to merely loading and unloading cargo from ships, nor are they now. Their work includes, among other things, the movement of the cargo around the docks, its sorting according to destination or consignee, and—most important—receipt of cargo from and delivery to inland transportation systems. In short, the historic work of longshoremen has been and remains the virtually all-encompassing handling of ocean-going cargo between the inland carrier and the vessel itself.

In a less mobile technology, this work once occurred relatively close to the ship. With increasing technological flexibility it moved landward, as Congress has recognized in the new situs test. But the *process* throughout remained the same—only geographically and chronologically expanded to the borders of the modern ocean terminal. As

this Court was quick to recognize in *Northeast Marine Terminal Co., Inc.* v. *Caputo,* 432 US 249 at 269-271 (1977), modern technology and improved methods have created great changes within the scope of longshore work. But its essential boundaries—the ship on the one hand and the inland carrier on the other—have persisted. In both intent and express language, the 1972 Amendments extend coverage to all persons engaged in work within those boundaries.

A. The Statute Itself

The 1972 amendments were initially occasioned by a series of decisions which narrowly construed the original Act's coverage to end at the water's edge (e.g., *Nacirema Operating Co.* v. *Johnson,* 396 US 212 (1969)). However, Congress' approach in amending the statute after 45 years of unmodified existence clearly went beyond simply overcoming the limitations of specific rulings or attempting to provide coverage where no state statute was applicable.* Instead, Congress adopted a whole new approach consistent with what it recognized to be the realities of contemporary maritime transportation.

Whereas previously the location, or situs, of the injury had been determinative, the 1972 amendments recognized that longshore work had moved inward and extended the situs to include not only the "navigable waters" of the United States but also

> "any adjoining pier, wharf, dry dock, terminal, building way, marine railway or other adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel." 33 USC § 903(a)

* Before the amendments, Section 903(a) limited the coverage provided to the Act to situations where "recovery for the disability or death through workmen's compensation proceedings may not be validly provided by state law." This language was deleted in the 1972 version.

Having enlarged the situs to include an area where persons other than those exclusively engaged in maritime operations might be found, Congress added a further "status" test to limit the Act's coverage to those individuals whose regular employment was centered at the situs, but not beyond, and who shared the incidents of employment, risk, and injury.

In defining an employee covered by the Act, Congress deliberately employed the widest possible term, "maritime employment". It expressly included within that definition all "longshoremen or other persons engaged in longshoring operations . . .". The complete breadth of the term "maritime operations" is not at issue in this case, which is limited to the more precise terms, "longshoremen" and "longshoring operations".

It should be noted that even in the more descriptive language, Congress consciously chose to use broad, generic terms. It did not limit the Act's coverage to only "longshoremen". It went on to add a clearly wider phrase: "others engaged in longshoring operations." *Amicus* ILA respectfully suggests that this broad terminology is not ambiguous draftsmanship but a reflection of practical reality. It recognizes the dynamic nature of maritime employment and avoids any cut-and-dried classifications which would soon be obsolete. It utilizes the more generic terms so as to avoid the necessity of piecemeal statutory redefinition in the future. It leaves to the Benefits Review Board and to the Courts to determine whether particular employees fall within the generic classifications as such operations are actually carried on now or in the future.

Amicus ILA contends that Congress' use of the term "longshoring operations" is determinative in situations like those under review. See the dissenting opinion of Judge Craven in *I.T.O. Corp. of Baltimore* v. *Benefits Review Board, etc.,* 529 F.2d 1080, at pp. 1090, 1094-95 (4th

Cir. 1975). Though broad and generic, the term is capable of definition. However much modern technology may move longshore operations landward and however much innovations may add to or alter the precise tasks performed within the industry, "longshoring operations" continue to mean what they have always meant—all handling of cargo between the vessel and the inland carrier. Any attempt to define a dynamic, multi-faceted and constantly changing industry from within, is bound to lead to confusion and obsolescence. Viewed from without, however, "longshoring operations" admits of easy definition. It includes all employees working *vis-a-vis* the movement of maritime cargo. Its limits are defined by the vessel's crew on the one side and the employees of terrestrial carriers on the other. Between these two boundaries, all persons handling the cargo are engaged in longshore operations, no matter what new or different tasks are required by the present state of the craft.

The coverage of the statute is clearly stated. The only confusion results from obfuscation introduced by persons like Petitioners, who wish to limit its applicability. They attempt to introduce an ambiguity where none exists so as to impose a more restrictive test, at variance with life on the waterfront. However, as demonstrated below, resort to the customary aids of interpretation actually serves to reinforce the fact that, when Congress used the term "longshoring operations", it meant exactly what it said.

B. Other Considerations

1. *Legislative History.*

The Committee Report makes it very clear that Congress recognized the inland thrust and scope of longshore activities. The Committee said:

> "To take a typical example, cargo, whether in breakbulk or containerized form, is typically unloaded from the ship and immediately transported to a storage or holding area on the pier, wharf, or terminal adjoining navigable waters. The employees who perform this work would be covered under the bill for injury sustained by them . . . ." (1972 US Code, Cong. & Admin. News, at p. 4708)

Indeed, the outstanding feature of the 1972 amendments is the redefinition of "navigable waters", to include the adjoining land area.*

Congressional perception of the nature of longshore work, however, is not new. This Court noted in the *Caputo* case, (432 US 249 at p. 257, fn. 12), that, as long ago as 1922, Congress had recognized that

> "[t]he work of longshoremen is not all on ship. Much of it is on the wharfs. They may be at one moment unloading a dray or a railroad car or moving articles from one point on the dock to another, the next actually engaged in the process of loading or unloading cargo. Their need for uniformity is one law to cover their whole employement, whether directly part of the process of loading or unloading a ship or not."**

With the 1972 amendments, Congress has finally provided such uniform coverage. The limits of that coverage are set forth both in the statute itself and in the legislative report. On the seaward side, the statute specifically exempts

> "a master or member of a crew of any vessel or any

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* It would seem that, as used in the 1972 version of the Act, "navigable waters" is no longer a matter of geography but has become a term of art, embracing the entire area described in the inclusion. That area may best summarily be described as "where longshoring operations take place".

** Significantly, the two examples given by Congress—a dray or railroad car—are precisely the vehicles with which the employees herein were involved at the time of their injuries.

person engaged by the master to load or unload or repair any small vessel under eighteen tons net". 33 USC Section 902(3).

On the landward side, the Committee Report continues:

"Thus, employees whose responsibility is only to pick up stored cargo for further trans-shipment would not be covered. . . ." (1972 US Code Cong. & Admin. News at p. 4708)

Between these two lines, Congress sets no limits. Neither the statute itself nor the committee report suggests the exclusion of any person *actually handling the cargo* from those who would be engaged in "longshoring operations." Merely peripheral workers, like clerks, who do not participate in the on-hands work and attendant dangers of cargo handling are not covered. 1972 U.S. Code Cong. & Admin. News at p. 4708.

2. *Uniformity of Coverage.*

Congress expressed its intent

"to permit a uniform compensation system to apply to employees who would otherwise be covered by this Act for part of their activity." (ibid.)

In providing uniformity, Congress perforce went beyond the earlier problems occasioned by the "water's edge" limitation. By defining the employees covered to be all those engaged in "longshore operations", Congress did more than merely adjust the situation of a single individual walking in and out of coverage, depending on whether he was injured on ship or on land. The goal of uniformity does not necessarily extend only to covering an employee, no matter what particular phase of longshoring operations he may be engaged in at the moment of injury. It likewise extends to uniform coverage of all employees at the situs *who are doing the same work.* And it extends to providing

the same coverage to like employees in various ports, no matter what the particular local arrangement may be.

Thus, the nationwide application of the Act requires the broad, generic interpretation of the term "longshore operations" Respondents urge. For reasons of history and convenience, each port differs in the manner in which cargo is loaded and unloaded from ships. In some ports, gangs may be interchangeable, subject to working anywhere from shipboard to the farthest reaches of the terminal. Other ports are more structured, and individuals are limited in their tasks and areas. Any approach which uses a test grounded in function or geography is bound to exclude in some ports individuals who would be covered under the *modus operandi* in other ports. Yet all the individuals are engaged in the same longshoring operations. The inevitable result of any attempt to pick and choose among them will set the stage for inequality, uncertainty and reams of litigation in the years to come.

3. *Hazards.*

In providing more adequate compensation for longshoremen and harborworkers, Congress was particularly sensitive to the hazardous nature of these occupations. Its underlying recognition of the "unsafe conditions" in this "high-risk occupation" (shared no less by Ford and Bryant than by Caputo and Blundo) and its desire to promote employer and employee incentives to reduce the dangers and costs of handling maritime cargo can both be seen from the following introductory passage from the Report of the Senate's Labor and Public Welfare Committee:

"Safety

It is important to note that adequate workmen's compensation benefits are not only essential to meeting the needs of the injured employee and his family, but, by assuring that the employer bears the cost of un-

safe conditions, serve to strengthen the employer's incentive to provide the fullest measure of on-the-job safety.

This consideration is particularly crucial with respect to high-risk occupations such as those covered by this Act. *Longshoring, for example, has an injury frequency rate which is well over four times the average for manufacturing operations.* It is the Committee's view that every appropriate means be applied toward improving the tragic and intolerable conditions which take such a heavy toll upon workers' lives and bodies in this industry, and such means clearly include vigorous enforcement of the Maritime Safety Amendments of 1958 and the Occupational Safety and Health Act of 1970, *as well as a workmen's compensation system which maximizes industry's motivation to bring about such an improvement.*" S. Rep. No. 92-1125, 92d Congress, 2d Session (accompanying S. 2318), at 2; Legis. Hist. of the Longshoremen and Harborworkers' Compensation Act Amendments of 1972 at p. 64. (Emphasis supplied)

Later in the Report, the Senate Committee stated:

"The Committee recognizes that progress has been made in reducing injuries in the longshore industry, but longshoring remains one of the most hazardous types of occupations." *Id.* at 12; Legis. Hist. of Amendments, at 74.

Congress did not distinguish among classifications of persons subject to the hazards and high-risks of longshoring operations on the newly defined situs. It manifestly wished to provide a uniform coverage to all persons subject to like threat of harm. The hazardous nature of longshore operations is directly related to the handling of maritime cargo. It certainly does not diminish as one retreats from the water's edge. All employees whose duty

it is to work with such cargo at the terminal are subject to identical hazards and are to be afforded the same coverage. While it is true that, at the outermost perimeters of the terminal, employees of the inland carrier may for a brief period come within the danger zone, their exposure exists for but a fraction of their work-day, that is, for only the time they spend at the docks transferring cargo to and from the longshore employees. The latter, however, are always at the terminal and are constantly subject to the risks of maritime operations, which motivate coverage. Congress perceived and recorded this demarcation when it excluded coverage for employees "whose responsibility is only to pick up stored cargo for further trans-shipment" inland. 1972 U.S. Code, Cong. & Admin. News at p. 4708.

4. *Consistency With Economic Reality.*

The fact is that longshoring operations cover a plethora of diversified activities. Any attempt to limit coverage of the Act by listing such activities or by a hidebound test would be doomed both to future obsolescence and to failure to meet the realities of some particular terminal operation. The scope of longshore operations have been recognized in various other contexts. Thus, the National Labor Relations Board's certification of *amicus* ILA in the Port of New York contains a description of the varied activities that fall within that unit.* Similarly, the Waterfront Commission Act of New York Harbor, as noted by this Court in *Caputo* at 432 US at p. 269, fn. 30, describes long-

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* "All longshore employees engaged in work pertaining to the rigging of ships, coaling of same, loading and unloading of cargoes, including mail, ships' stores and baggage, handling lines in connection with the docking and undocking of ships including hatch bosses, cargo repairmen, checkers, clerks and timekeepers and their assistants, including head receiving and delivery clerks; general maintenance, mechanical and miscellaneous workers; horse and cattle fitters, grain ceilers and marine carpenters, in the Port of Greater New York and vicinity. . . ." *Matter of New York Shipping Association,* 116 NLRB 1183 (1966) at p. 1188.

shoring in equally diversified terms.* The two descriptions mentioned, of course, arose in other contexts and are not urged by *amicus* to be controlling in the case at bar. However, both are based upon the realities of longshoring operations and are instructive in showing the wide range of activities which fall within that description. An interpretation of the statute to include all handling of the

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* "'Longshoreman' shall mean a natural person, other than a hiring agent, who is employed for work at a pier or other waterfront terminal, either by a carrier of freight by water or by a stevedore

"(a) physically to move waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals, or

"(b) to engage in direct and immediate checking of any such freight or of the custodial accounting therefor or in the recording or tabulation of the hours worked at piers or other waterfront terminals by natural persons employed by carriers of freight by water or stevedores, or

"(c) to supervise directly and immediately others who are employed as in subdivision (a) of this definition." N.Y. Unconsol. Laws (McKinney 1974) Section 9806.

Section 9905 provides supplementary definitions:

"(6) 'Longshoreman' shall also include a natural person, other than a hiring agent, who is employed for work at a pier or other waterfront terminal

"(a) either by a carrier of freight by water or by a stevedore physically to perform labor or services incidental to the movement of waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals, including, but not limited to, cargo repairmen, coopers, general maintenance men, mechanical and miscellaneous workers, horse and cattle fitters, grain ceilers and marine carpenters, or

"(b) by any person physically to move waterborne freight to or from a barge, lighter or railroad car for transfer to or from a vessel of a carrier of freight by water which is, shall be, or shall have been berthed at the same pier or other waterfront terminal, or

"(c) by any person to perform labor or services involving, or incidental to, the movement of freight at a waterfront terminal as defined in subdivision (10) of this section." N.Y. Unconsol. Laws (McKinney 1974) Section 9905.

cargo at the situs by persons other than those employed by the vessel, on the one hand, and the inland carrier, on the other hand, would be consistent with the view of longshoring operations taken by these other governmental agencies.

Such an interpretation is likewise consistent with the general law of maritime transportation, which holds that the goods are in the custody of the vessel carriers (i.e., the ultimate employers of longshoremen) until such time as they are actually delivered to agents of the inland carrier. *David Crystal, Inc.* v. *Cunard Steam-Ship Co.*, 339 F.2d 295, 298 (2nd Cir. 1964), *cert. denied*, 380 US 976 (1965). *See, e.g., The Eddy*, 5 Wall. 481, 495, 72 US 481, 495 (1866).

The various considerations which might be helpful in interpreting the Act—even if it were not clear on its face—all ultimately turn on what actually goes on in the ports. In sum, they reinforce the construction urged by *amicus* that, in using the generic term "longshore operations", Congress intended to cover all employees at the situs engaged in handling maritime cargo, notwithstanding their particular function or locus therein.

POINT II

The test urged by Petitioners should be rejected.

Petitioners, understandably, are interested in limiting the Act's applicability. The test they propose suffers from three disqualifications. It reintroduces, albeit in a more limited, modified form, the "water's edge" approach Congress expressly sought to do away with. It would create a bifurcation of coverage between employees handling breakbulk and containerized cargo. And it usurps the prerogative of Congress, by legislating the more restrictive qualification "amphibious", which Congress did not include within the Act. Having not succeeded (in *Caputo*) with

"point of rest," they return to this tribunal with another test designed to frustrate the fair import of the amendments.

The test proposed at pages 30-31 of Petitioners' brief would make coverage of the Act depend on whether handlers of break-bulk cargo were subject to being assigned to shipboard activity. The test would seem to be deliberately designed to limit coverage of the Act to the extent already declared by this Court in the *Caputo* case. It overlooks the fact that in deciding *Caputo,* the Court expressly recognized it was dealing with *minimal* coverage and in no way claimed to be setting definitive limits. See 432 US at 273.

Petitioners' test would preserve, in thin disguise, the old "water's edge" line of *Southern Pacific Co.* v. *Jensen,* 244 US 205 (1917). This would emasculate the essential thrust of the legislation, which is premised on Congress' recognition that such a demarcation is obsolete. By requiring that the employee be subject on the date he was injured to being assigned to tasks literally over the "navigable waters," Petitioners would reintroduce the old problem of walking in and out of coverage—perhaps not on the same day but in the course of some other period of time. Again, coverage would become "fortuitous". Such a test would simply ignore what is perhaps the outstanding feature of the 1972 amendments—the clear recognition that maritime operations do not end at the water's edge.

Moreover, by introducing a separate test for employees handling break-bulk cargo, Petitioners would continue the bifurcated coverage Congress intended to eliminate. This Court's holding in *Caputo* recognized a Congressional intent to cover a maritime employers' employees working with containerized goods, no matter where on the terminal their injuries may have occurred. Petitioners' test would limit the broad scope of the 1972 Amendments solely to employees who deal with containers, while minimizing the coverage to break-bulk employees. The wording of the Act

and the legislative history give no hint that Congress intended a different coverage depending on whether an individual was handling break-bulk or containerized cargo. Modern cargo handling techniques are not limited to containerization. They apply also to the manner in which break-bulk cargo is handled. The application of principles like division of labor or "assembly line" methods have altered the traditional manner of performing even historic tasks. Recognition of this economic fact of life is implicit in the Committee report when it explicitly discusses "cargo *whether in break-bulk* or containerized form" (1972 U.S. Code, Cong. & Admin. News at p. 4708) (emphasis added).

By seizing on the word "amphibious", used by this Court to characterize the longshoremen injured in *Caputo,* Petitioners attempt to legislate a more restrictive term into the statute than Congress chose to do. Had Congress merely intended that the new coverage of the Act extend to employees who are assigned or subject to assignment to shipboard operations, this amendment of the Act would have taken a far different form. Indeed, the very term borrowed by Petitioners from this Court's decision—the word "amphibious" (or a similar term of like meaning)—was available to Congress. It is so readily definitive that its absence from the statute can be taken as to mean that Congress could not have intended such a limited coverage. Petitioners' "amphibiousness" test is as vulnerable as was the "point of rest" theory and should be as promptly rejected.

The very weaknesses of the test proposed by Petitioners argues for the approach urged by *amicus* ILA. The imposition of such a test would be to perpetuate the very shortcomings which the amendments were expressly designed to eliminate and would require, in effect, a legislative act beyond what Congress actually did. This indicates that the statute as written envisions a far broader coverage than Petitioners would admit. Indeed, the issue framed at page 11 of Petitioners' brief as the "ultimate question" which

these cases present and which the Court declined to reach in *Caputo,* is instructive:

> "Whether Congress intended the 1972 amendments to the longshoremen's act to cover 'all physical cargo handling activity anywhere within an area meeting the situs test' or only those 'amphibious workers' such as Caputo who had no uniform compensation remedy prior to the 1972 amendments?"

It would seem that Petitioners themselves recognize that there are only two alternatives. Either one must impose a test like the one Petitioners urge, with all its anachronisms and drawbacks, or one must hold that the Act means exactly what it says and that all longshoring operations at the situs are covered.

POINT III

The results achieved below were correct.

In its original decision on the cases under review, the Fifth Circuit rather easily found that Respondents Ford and Bryant were engaged in longshore operations, chiefly on the basis that their work was "evidently an integral part of the process of moving maritime cargo from a ship to land transportation," *Jacksonville Shipyards Inc.* v. *Perdue,* 539 F.2d 533, 543 (5th Cir. 1976). The Fifth Circuit was equally correct on remand in reaffirming its prior decision in the light of *Caputo.* In essence that Court had held that the discontinuity in the passage of cargo from or to the vessel did not deny coverage to Bryant and Ford who handled the goods before and after the discontinuity.

In *Caputo,* this Court recognized that

> ". . . all would agree that persons bringing such cargo directly from a ship to a truck are engaged in maritime employment. . . ."
>
> * * *

> ". . . it is incontrovertible that workers engaged in the process of loading a ship and performing steps analogous to those mentioned in the example—that is, moving cargo from storage and placing it immediately on the ship—are covered. . . ." 432 US at 267, fn. 28.

This Court also decisively rejected the "point of rest" theory. 432 US at 275-278.

In finding that "discontinuity" was a neutral circumstance, the Fifth Circuit did no more than apply these two holdings of *Caputo* to the case at bar. Indeed, it would seem that, once the "point of rest" theory is discarded, any person engaged in the process of moving cargo between the vessel and the inland carrier is engaged in "longshoring operations."

A similar approach was adopted by the Third Circuit in *Sea-Land Service, Inc.* v. *Director, Office of Workers' Compensation Programs, etc.,* 540 F.2d 629 (3rd Cir. 1976), where the Court said:

> "The key is functional relationship of the employee's activity to maritime transportation, as distinguished from such land-based activities as trucking, railroading or warehousing.
>
> * * *
>
> "The line which Congress intended to draw was between maritime commerce and land commerce, and the coverage of the federal law starts at the point where the cargo passes to or from an employer engaged in the former to an employer engaged in the latter." 540 F.2d at 638, 639.

To support the Court below, both the Director and *amicus curiae* International Longshoremen's and Warehousemen's Union have proposed their own "tests" for adoption by this Court to elucidate the meaning of the statute. *Amicus* ILA has no quarrel with the tests framed by the Director and the other *amicus* to the extent that they

would provide the kind of wide coverage Congress intended. *Amicus* ILA does, however, suggest that the very notion of a "test" is unnecessary in the light of the statutory language. It runs the risk of failing to meet the actual situation in particular ports and of becoming obsolete as the industry evolves. Rather than imposing a test, this Court should adopt an approach whereby the Board and the lower courts can scrutinize individual cases from the point of view of longshoring operations as delineated by the employees of the vessel, on the one hand, and of the inland carrier, on the other.

Conclusion

In the cases under review, the Respondent employees were engaged in longshoring operations in that they were handling maritime cargo between the vessels and the overland carriers. The Judgments below should be affirmed.

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February 14, 1979

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